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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,320	11/15/2000	Matias Duarte	04676.P004X	6475

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EXAMINER
KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
2675	19

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/714,320

Applicant(s)

DUARTE ET AL.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-8,16-27 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-8,16-27 and 30-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 18.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The following office action is in response to Amendment E, filed December 8, 2003. Claims 1, 16, and 26 are amended. Claims 2, 4, 5, 28, and 29 are cancelled. Claims 1, 3, 6-8, 16-27, 30-32 are pending

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 6, 16-19, 26, 27 and 30 rejected under 35 U.S.C. 102(e) as being anticipated by Brandenburg et al (US 6,665,173).

As to independent claims 1 and 26, Brandenburg et al disclose an apparatus comprising, a data processing device (Figs. 1-6), a first group of control elements (Figs. 4, item 605) and a second group of control elements (Figs. 4, items 617, 627) integrated directly on said data processing device (col. 9, lines 22-30, col. 10, lines 3-7, 26-48); a display comprising a display area for rendering images generated by said data processing device (Figs. 1-6, displays as shown), said display coupled to said data processing device at a pivot point and rotatable around said pivot point from a first position to a second position (Figs. 2, col. 4, lines 7-20, 55-col. 5, line 11), wherein both said first and second groups of control elements are exposed when said display is in said second position, and wherein only said second group of control elements are exposed when said display is in said first position (Figs. 4, col. 9, lines 22-30, col. 10, lines 3-7,

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26-48), wherein said display is viewable in both said first position and said second position (shown by Figs. 1-6); wherein said first group of control elements are covered by said display when said display is in said first position and said second group of control elements are not covered by said display when said display is in said first position (Figs. 4, col. 4, lines 7-20, 55-col. 5, line 11, col. 9, lines 22-30, col. 10, lines 3-7, 26-48).

As to independent claim 16, limitations of claim 1, and further comprising, Brandenburg et al disclose an apparatus comprising, a data processing device, and further comprising, a display having a display area defining a plane, wherein a display rotatably coupled to said data processing device and configured to rotate around point an axis of rotation within said plane from a first position to a second position, said axis of rotation being substantially perpendicular to said plane for at least a portion of said rotation of said display, wherein images displayed on said display are viewable in both said first position and said second (Figs. 2, col. 4, lines 7-20, 55-col. 5, line 11, col. 8, line 57-col. 9, line 2).

As to dependent claim 3, limitations of claim 1, and further comprising, wherein said first group of control elements comprise a keyboard (Figs 4, item 605).

As to dependent claim 6 and 30, limitations of claims 1 and 26, see claim 16, above.

As to dependent claim 17, limitations of claim 16, and further comprising, wherein both said first and second groups of control elements are exposed when said display is in said second position, and wherein only said second group of control elements are exposed when said display is in said first position (Fig. 7b, items 27, and Fig. 12, item 43), wherein said display is viewable in both said first position and said second position (col. 2, lines 2-68, col. 6, lines 12-55, and col. 10, lines 5-57).

As to dependent claim 18, limitations of claim 17, and further comprising, wherein said data processing device comprises a second group of control elements not covered by said display when said display is in a first position (Fig. 16, item 51 & pen, and col. 11, lines 22-26).

As to dependent claim 19, limitations of claim 18, and further comprising, wherein said second group of control elements comprise a control knob and a set of control buttons (Figs. 4, items 617, 627, col. 10, lines 3-7, 26-48).

As to dependent claim 27, limitations of claim 26, and further comprising, wherein said display is rotatably coupled to said data processing device and configured to rotate within a plane substantially perpendicular to said display's axis of rotation between said first position and said second position (Figs. 2, col. 4, lines 7-20, 55-col. 5, line 11, col. 8, line 57-col. 9, line 2).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenburg et al (US 6,665,173).

As to dependent claim 22, limitations of claim 19, and further comprising, wherein said control knob is configured to scroll between items within a list. Brandenburg discloses in col. 10, lines 26-48, joysticks and other input/output devices associated with the apparatus. It would have been obvious to one of ordinary skill in the art where the joystick can be used to navigate or scroll through what has been display as is well known in the art.

As to dependent claim 23, limitations of claim 22, and further comprising, wherein one of the said control buttons is configured to select items within said list. Brandenburg discloses in col. 10, lines 26-48, joysticks and other input/output devices associated with the apparatus. It would have been obvious to one of ordinary skill in the art where the joystick can be used to select through what has been display as is well known in the art.

As to dependent claim 24, limitations of claim wherein one of said control buttons is configured to back out of selected items. Although Brandenburg does not disclose this feature, it would have been obvious to one of ordinary skill in the art the control buttons/joysticks of the Brandenburg system could have different functions. The back out feature is advantageous as it permits the user to view the previous display or to return to the main display page.

As to dependent claim 25, limitations of claim 19, and further comprising, wherein said control buttons and control knob are user programmable. Although Brandenburg does not disclose this feature, it would have been obvious to one of ordinary skill in the art that control buttons/knobs are known to be programmable similar to function keys. Programmable keys are advantageous as they permit the user to customize the buttons.

5. Claims 7, 8, 20, 21, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenburg et al as applied to claims 1, 16 and 26, above, and further in view of Haneda et al. (US 5,900,848).

As to dependent claim 7, limitations of claim 1, and further comprising, a switch configured to trigger when said display is rotated from second to close. Brandenburg et al do not teach a switch to trigger. Haneda et al in col. 6, line 44-col. 7, line 12, teach a switch which is triggered depending on the state of the lid body. It would have been obvious to one of ordinary

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skill in the art that the feature of Haneda et al could have easily been incorporated into that of Brandenburg et al both systems disclose an apparatus for data processing with rotatable display devices. The switch feature is advantageous as it enables the processor to distinguish the direction of the display of the rotatable display device.

As to dependent claims 8 and 31, limitations of claims 7 and 26, and further comprising wherein the image inversion logic to invert images on said display response to said switch triggering. Brandenburg et al do not teach where the images are inverted in response to switch triggering. Haneda et al disclose in col. 6, line 44-col. 7, line 12 where the images are inverted depending upon the switching state. It would have been obvious to one of ordinary skill in the art that the feature of Haneda et al could have easily been incorporated into that of Brandenburg et al both systems disclose an apparatus for data processing with rotatable display devices. The switch feature is advantageous as it enables the processor to distinguish the direction of the display of the rotatable display device.

As to dependent claim 20, limitations of claim 16, and further comprising, a switch configured to trigger when said display is rotated from second to close. Brandenburg et al do not teach a switch to trigger. Haneda et al in col. 6, line 44-col. 7, line 12, teach a switch which is triggered depending on the state of the lid body. It would have been obvious to one of ordinary skill in the art that the feature of Haneda et al could have easily been incorporated into that of Brandenburg et al both systems disclose an apparatus for data processing with rotatable display devices. The switch feature is advantageous as it enables the processor to distinguish the direction of the display of the rotatable display device.

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As to dependent claim 21, limitations of claim 20, and further comprising wherein the image inversion logic to invert images on said display response to said switch triggering. Brandenburg et al do not teach where the images are inverted in response to switch triggering. Haneda et al disclose in col. 6, line 44-col. 7, line 12 where the images are inverted depending upon the switching state. It would have been obvious to one of ordinary skill in the art that the feature of Haneda et al could have easily been incorporated into that of Brandenburg et al both systems disclose an apparatus for data processing with rotatable display devices. The switch feature is advantageous as it enables the processor to distinguish the direction of the display of the rotatable display device.

As to dependent claim 32, see claims 7 and 8, above.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 3, 608, 16-27, 30-32 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on January 20, 2004 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575. The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven J. Saras can be reached on 703 305 9720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K. Kumar  
Examiner  
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SKK  
February 23, 2004

  
DENNIS-DOON CHOW  
PRIMARY EXAMINER